

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE LOWER MANHATTAN DISASTER SITE  
LITIGATION  
-----X

RUTH DIAZ,

Plaintiff(s),

-against-

AMERICAN EXPRESS BANK, LTD, *et al.*,

Defendant(s).  
-----X

Case No.: 21 MC 102 (AKH)

Docket No.: 07-CV-01601-AKH

**STIPULATION OF  
DISCONTINUANCE AS TO  
DEFENDANTS, AMERICAN  
EXPRESS COMPANY,  
AMERICAN EXPRESS BANK,  
LTD, AMERICAN EXPRESS  
TRAVEL RELATED SERVICES  
COMPANY, INC. and McCLIER  
CORPORATION, ONLY.**

**IT IS HEREBY STIPULATED AND AGREED** by and between the undersigned for the parties herein, that whereas no party herein is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of this action and based on the representation of the within defendant, and to the extent of Plaintiff(s) can so Stipulate that each claim, cross-claim and counter-claim asserted by and against defendants AMERICAN EXPRESS COMPANY, AMERICAN EXPRESS BANK, LTD AND AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY, INC. (hereinafter collectively referred to as "AMERICAN EXPRESS") and McCLIER CORPORATION, only as to the claims being made as to the premises located at 200 Vesey and 3 World Financial Center, New York, New York shall be and the same hereby are discontinued without prejudice and without costs to any party as against the other.

**IT IS FURTHER STIPULATED AND AGREED** that should evidence be discovered throughout the course of the litigation which determines that the AMERICAN EXPRESS and

McCLIER CORPORATION are proper party to this suit, that plaintiff(s) may reinstitute the action without regard to the applicable Statute of Limitations, assuming said original action was timely commenced, and in such instance Defendants shall not assert Statute of Limitation as a defense.

This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: New York, New York  
January 30, 2008

McGIVNEY & KLUGER, P.C.  
Attorneys for Defendants  
AMERICAN EXPRESS COMPANY,  
AMERICAN EXPRESS BANK, LTD,  
AMERICAN EXPRESS TRAVEL  
RELATED SERVICES COMPANY, INC.  
and McCLIER CORPORATION.

By: 

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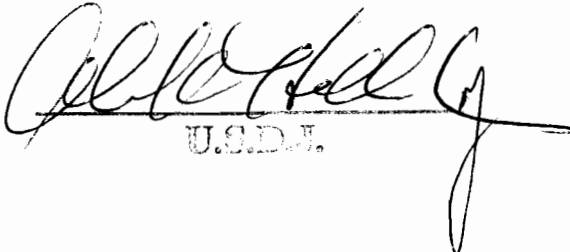
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By: 

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CO ORDERED

677-08

  
U.S.D.J.